

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-16 are all the claims pending in the application. Applicant submits the pending claims define patentable subject matter.

***Claim Rejections - 35 U.S.C. § 103***

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hasan et al. (WO/0131963; hereinafter “Hasan”) in view of Soininen et al. (U.S. Publication No. 2004/0252674; hereinafter “Soininen”). Applicant traverses the rejection for the following reasons.

Independent claim 1 recites, in part:

determining whether a change of cell to a third generation cell is possible if a terminal already has one of a circuit connection and a packet connection set up in a second generation cell and requests a simultaneous connection of the other one of the circuit connection and the packet connection; and

performing said change of cell in order to allow said simultaneous connection of the circuit and packet connections in the third generation cell.

In the current Office Action, the Examiner simply repeats his position regarding Hasan and Soininen. Specifically, the Examiner reiterates his position that Hasan teaches “the hand off ... from a 2G telecommunications network to a 3G IP-based network.” The Examiner concedes that Hasan fails to disclose allowing simultaneous circuit and packet connections in a third generation (3G) cell.

First, with regard to Hasan, Applicant agrees with the Examiner that Hasan fails to disclose performing a cell change from a second generation (2G) cell to a 3G cell in order to allow simultaneous circuit and packet connections in the 3G cell. Applicant notes Hasan is limited to performing a handover from a 2G switching center to a service node in an IP-based 3G network if the terminal requests an IP-based 3G network service.

Applicant submits Soininen also fails to disclose performing a cell change from a 2G cell to a 3G cell in order to allow simultaneous circuit and packet connections in the 3G cell. Instead, Soininen only discloses establishing simultaneous circuit and packet connections strictly within a third generation cell.<sup>1</sup> In other words, like Hasan, Soininen fails to teach or suggest a terminal, having either a circuit or a packet connection in a second generation network, requesting a simultaneous connection of the other type of connection, i.e., a circuit or a packet connection, in a third generation cell. Thus, Applicant submits neither of the cited references, either alone or in combination, teaches or suggests all of the above-noted features of claim 1.

Second, the Examiner asserts, “Soininen discloses simultaneous circuit switched and packet-switched connection of the networks.” The Examiner also repeats his position regarding the alleged motivation to combine the two references:

At the time of [the] invention it would have been obvious to one of ordinary skill in the art to further modify Hasan to include allowing said circuit and packet connections simultaneously in a third generation cell. Motivation for this modification would have been to provide a coherent user experience (paragraph [0027]).

However, Applicant respectfully disagrees with the Examiner’s position.

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<sup>1</sup> See Soininen, Abstract and paragraph [0024].

Assuming, *arguendo*, the cited references disclose all of the features of the claimed invention, Applicant notes that not only does Hasan fail to mention anything about simultaneous connections, Hasan, in fact, teaches away from simultaneous connections. In particular, Hasan expressly states:

The invention is applicable to Class B MSs that can utilize either the packet-switched 3 G network or the circuit-switched 2G network at any given time, but not simultaneously.<sup>2</sup>

Thus, Applicant respectfully submits the above-cited passage demonstrates Hasan is inapplicable to simultaneous connections, and indeed, teaches away from any modification involving simultaneous connections, such as those disclosed in Soininen. Therefore, contrary to the Examiner's stated position, one of ordinary skill in the art, at the time the invention was made, would not have modified Hasan in view of Soininen.

In addition, Applicant disagrees with the Examiner's rationale for modifying the references, i.e., "to provide a coherent user experience." Indeed, Soininen fails to even mention the word "cell." Therefore, Soininen does not apply to performing a change of cell, as claimed. Consequently, Applicant submits there could be no "coherent user experience," as suggested by the Examiner. Thus, Applicant submits one of ordinary skill in the art would not modify Hasan in view of Soininen in order to obtain the claimed invention.

In view of the above, Applicant submits independent claim 1 is patentable over the prior art of record, at least for these reasons. Similarly, Applicant submits claims 12-14 are also patentable over the prior art of record for analogous reasons. Finally, Applicant submits

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<sup>2</sup> See Hasan, page 2, lines 12-15 (emphasis added).

dependent claims 2-11, 15 and 16 are patentable, at least by virtue of their respective dependency on claims 1 and 12.

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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